

EEOICPA BULLETIN NO.02-08

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Subject: Clarification of the onset period for specified cancers and the 250-day employment requirement at a Gaseous Diffusion Plant.

Background: Issues have arisen as to how exposure to ionizing radiation at a Gaseous Diffusion Plant (GDP) should be determined with respect to: (1) the 250-day GDP employment requirement and (2) the time period between first radiation exposure at a GDP and diagnosis of a specified cancer.

Regarding the first issue, for inclusion in the Special Exposure Cohort (SEC), the employee must have been employed for an aggregate of at least 250 workdays before February 1, 1992, at a GDP located in Paducah, KY, Portsmouth, OH, or Oak Ridge, TN (per EEOICPA Section 73841(14)). The employee may accumulate the days of service at more than one GDP to satisfy the 250 workday requirement (per 20 CFR 30.213(b)).

The second issue addresses the length of time following first exposure to radiation at a GDP until the diagnosis of the employees' specified cancer. EEOICPA Section 73841(17) defines specified cancers for inclusion in the SEC. The Act also states that certain onset time requirements need to be met in order to qualify for SEC inclusion. For most cancers, an eligible employee must have developed a specified cancer 5 years after first exposure. In the case of leukemia, an onset time of more than two years after initial occupational exposure is required. There are no delay of onset periods for primary or secondary lung, bone, and renal cancers.

Reference: Energy Employees Occupational Illness Compensation Program Act of 2000, As Amended, 42 U.S.C. § 7384 *et seq.*, Sections 7384l (14) and (17) and 20 CFR 30.213(b).

Purpose: To clarify the onset period for specified cancers and the 250-day employment requirements for workers at a GDP.

Applicability: All staff.\_

Actions:

1. For inclusion in the SEC the CE must first determine that the employee was employed for an aggregate of at least 250 workdays before February 1, 1992, at a GDP located in Paducah, KY, Portsmouth, OH, or Oak Ridge, TN (per EEOICPA Section 7384l(14)). The individual may be employed at more than one GDP to satisfy the 250 workday requirement (per 20 CFR 30.213(b)).
2. Additional information for the CE to consider involves when the radiation monitoring requirements in EEOICPA Section 7384l(17)(A)(i) and (ii) should be applied. During the construction period at the GDPs, the dosimetry badging requirements generally do not apply since radioactive material was not present on the site. Once radioactive material (uranium) was on site for enrichment, the dosimetry badging or comparable exposure aspects of Section 7384l(17)(A)(i) and (ii) would apply.
3. Next, the CE must address the second criterion, which relates to the determination of the time of onset of a specified cancer after initial exposure to radiation at a GDP. The first day of employment at any of the three GDPs "starts the clock" for determining the time of onset of a specified cancer, i.e., it is the first day of exposure. The date of diagnosis "stops the clock" and must meet the requirements for the time of onset for the specified cancer stated in EEOICPA Section 7384l(17) (the periods are discussed further below).
4. A number of specified cancers are listed in the Act. For these specified cancers, the CE must determine that the date of diagnosis is at least 5 years after first exposure at a GDP (per EEOICPA Section 7384l(17)). There are no delay of onsets for primary or secondary lung, bone, and renal cancers.

5. For leukemia, the CE must determine that the date of diagnosis is greater than two years after initial occupational exposure at the GDP (per EEOICPA Section 7384l(17)).

6. The CE should consider the following example in assessing GDP employment using the above criteria. In this example, an employee started at a K-25 (a GDP site) and worked 1 year before leaving to work at Y-12 (non-GDP site). After working at Y-12 for 4.5 years, he was diagnosed with a specified cancer. Since he accumulated over 250 aggregate workdays of GDP employment and the cancer was diagnosed 5 years after first exposure at the GDP, he is eligible as a member of the SEC.

7. Another example that the CE should consider in making determinations regarding the above criteria involves the following situation. In this example, an employee started at Y-12 (a non-GDP site), worked for 4.5 years, and then spent 1 year at K-25 (a GDP site). A specified cancer was diagnosed after only one year at K-25. In this case, while the employee has accumulated over 250 aggregate workdays of GDP employment it has not been 5 years between first exposure at K-25 and cancer diagnosis. Consequently, the employee would not yet be eligible as a member of the SEC.

8. If the employee worked at a GDP but does not qualify as a member of the SEC, e.g., has a non-specified cancer, the case needs to go to NIOSH for dose reconstruction.

Disposition: Retain until incorporated in the Federal (EEOICPA) Procedure Manual

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